

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:21-cv-00217**

TAMARA COZART, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

RDU GOLF & TRAVEL LLC dba PURE
GOLD, a North Carolina Limited Liability
Company; DOUGLAS ADKINS, an
individual; DOE MANAGERS 1 through 3;
and DOES 4 through 10, inclusive,

Defendants.

**ORDER STAYING CASE
PURSUANT TO 9 U.S.C § 3**

The matter having come before the Court by way of the parties' Joint Motion for 9 U.S.C. § 3 Stay for Arbitration [Doc. 9] (the "Joint Motion"), and the Court having reviewed the motion and otherwise being duly advised in the premises thereof, hereby finds and orders as follows.

1. 9 U.S.C. § 3 provides:

If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

2. The parties have represented that there exists an agreement between the parties under which the issues Plaintiff asserts in her Complaint are referable to arbitration.

3. Defendant has agreed to waive the contractual provision that Ms. Cozart be responsible for a portion of the fees and costs charged by the arbitrator.

The Joint Motion **IS HEREBY GRANTED** as follows:

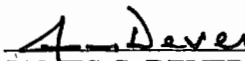
4. This suit is hereby stayed pending the outcome of arbitration had in accordance with the terms of the agreement.

5. The contractual provision that Ms. Cozart be responsible for a portion of the fees and costs charged the arbitrated is deemed to be waived by Defendants

6. The Court retains jurisdiction to review and decide a petition pursuant to 9 U.S.C. § 5, a request for the entry of judgment upon an arbitrator's award pursuant to 9 U.S.C. § 9, to review a request to approve a resolution, or for any other proper purpose.

IT IS SO ORDERED.

Signed this 11 day of September, 2021.



JAMES C. DEVER III
United States District Judge